

BILL ANALYSIS

Senate Research Center

H.B. 1188
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Criminal Justice
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Engrossed

DIGEST

The federal government recently activated a nationwide DNA database containing information on convicted criminals. In Texas and many other states, DNA samples are largely collected from sexual offenders. However, unlike many other states, Texas does not collect samples from murder or aggravated assault offenders. DNA information on such offenders would increase the resources available to Texas and federal law enforcement in case of emergencies such as the 1998 Ellis Unit prison break. H.B. 1188 would create a DNA record for certain persons convicted of, or adjudicated as having engaged in delinquent conduct violating, the offense of murder, aggravated assault, burglary, or an offense on conviction of which registration as a sex offender is required.

PURPOSE

As proposed, H.B. 1188 creates a DNA record for certain persons convicted of, or adjudicated as having engaged in delinquent conduct violating, the offense of murder, aggravated assault, burglary, or an offense on conviction of which registration as a sex offender is required.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.148(a), Government Code, to require inmates of the institutional division or other penal institution to provide one or more blood samples or certain other specimens taken for the purposes of creating a DNA record, if an inmate is ordered by a court, providing the inmate committed a specific offense. Deletes text regarding certain provisions to the Penal Code.

SECTION 2. Amends Section 411.150(a), Government Code, to make conforming changes.

SECTION 3. Requires the institutional division of the Texas Department of Criminal Justice to collect a blood sample or other specimen from an inmate serving a sentence for murder, aggravated assault, burglary punishable under Section 30.02(c)(2), Penal Code, or an offense for which registration as a sex offender is required but for which the collection of a blood sample or other specimen was not required before the effective date of this Act or from an inmate having previously been convicted of one of those offenses, as required by Section 411.148, Government Code, as amended by this Act. Requires the division to collect the sample or specimen during the diagnostic process, but only from an inmate who has not completed the diagnostic process before February 1, 2000. Requires the division to collect the sample or specimen from an inmate who has completed the diagnostic process before February 1, 2000, no later than the 90th day before the inmate's earliest parole eligibility date, unless the inmate's earliest parole eligibility date is before May 1, 2000, in which event the division shall collect the sample or specimen as soon as possible after February 1, 2000.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.